

58-37e-9 Comparative responsibility.

- (1) An action by an individual drug user is governed by the principles of comparative responsibility. Comparative responsibility attributed to the plaintiff does not bar recovery but diminishes the award of compensatory damages proportionally, according to the measure of responsibility attributed to the plaintiff.
- (2) The burden of proving the comparative responsibility of the plaintiff is on the defendant, which shall be shown by clear and convincing evidence.
- (3) Comparative responsibility may not be applied in an action brought by a third party who was not an individual drug user.

Enacted by Chapter 349, 1997 General Session